

REMARKS

In view of the amendments set forth above, claims 13-22, 24-28, 31-38, 40-46, 48-50, 52-65, 68, 69, 80-83 and new claims 84-86 are actively pending in this application and claims 1-12, 29, 30, 39 and 51 have been withdrawn. The actively pending claims are directed to preferred embodiments of the invention, in which the cationic liposome comprises a cationic lipid selected from DOTAP and DDAB and the neutral or helper lipid is DOPE. New claim 84 sets forth a range of ratios of cationic lipid to neutral lipid in the cationic liposome, and new claims 85 and 86 provide a range of ratios among the nucleic acid, cationic liposome and lipid. Support for these new claims can be found, for example, on pages 18 and 19 of the specification. No new matter is introduced into the application through the amendments set forth above. The amendments made to the existing claims are in keeping with the examiner's suggestions in the outstanding Action.

In the outstanding Office Action, all of the claims then pending, claims 13-22, 24-28, 31-38, 40-50, 52-69 and 71-83, were rejected under 35 U.S.C. § 112, first paragraph, on the basis that

the specification, while being enabling for:

1/ A liposomal vector for the systemic delivery of an anti-tumor or diagnostic agent to a target cell within a host animal, wherein the vector comprises an accentric structure based complex of a cell-targeting ligand, a cationic liposome comprising DOTAP/DOPE or DDAB/DOPE, and said agent, wherein the vector has a mean diameter of less than about 100 nm, and wherein the ligand is bound directly to the liposome which encapsulates said agent;

2/ A method of ameliorating a tumor in a mammal, the method comprising administering to a tumor bearing mammal the liposomal vector of 1/, wherein said agent is an anti-tumor agent, and whereby the tumor in the mammal is ameliorated

was not enabling for other claimed embodiments as broadly presented in the pending claims.

Applicants respectfully submit that this rejection has been obviated by the amendments set forth herein, in which the claims have been limited to focus on vectors for the systemic delivery of a diagnostic or anti-tumor agent to a target cell within a host animal which comprise a complex of a cell-targeting ligand bound directly to a cationic liposome comprising either DOTAP or DDAB and DOPE and the diagnostic or anti-tumor agent, the vector

Serial No. 09/601,444
Reply to Office action dated July 16, 2003
Page 15

having a mean diameter of less than about 100 nm, and to methods of administering and preparing such vectors.

Applicants respectfully reserve the right to pursue claims directed to other embodiments of their invention disclosed in this application in a continuation or divisional application.

In view of the amendments set forth herein, Applicants respectfully submit that the above-referenced application is in condition for allowance.

<input checked="" type="checkbox"/> Customer Number or Bar Code Label 6449					
Name	Barbara G. Ernst, Reg. No. 30,377				
Signature	<i>Barbara G. Ernst</i>			Date	July 14, 2003
Address	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031